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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Inventor: Kazuyuki MIYA Group Art Unit: 2642

Appln. No.: 09/857,328 Examiner: M. Ubiles

Filed: June 4, 2001

For: RADIO BASE STATION APPARATUS AND RADIO  
TRANSMISSION METHOD



RESPONSE UNDER 37 CFR § 1.116

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mcu  
5/6/05*  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Final Rejection dated February 22, 2005, reconsideration and allowance are respectfully requested in light of the following remarks.

All prior art rejections rely on U.S. Patent No. 6,694,155 to Chin which has an effective date of September 5, 2000, whereas the present priority date is October 8, 1999. Further, the applied U.S. Patent No. 6,735,182 to Nishimori et al. has an effective date of June 19, 2000 and thus is also antedated by the present JP priority date of October 8, 1999.

Therefore, all pending rejections are overcome by the filing of the attached literal and accurate English translation of the JP priority document. It is noted that this priority document supports the present rejected claims.